

REMARKS

Claims 1, 4-10, 12-21 are pending, of which, claims 1, 4-6, 9, 10, 12-15, 18, and 19 are rejected and claims 20-21 are newly presented.

The Examiner had indicated that claims 7-8 and 16-17 were objected to as being dependent upon a rejected base claim but otherwise allowable. Accordingly, Applicant has rewritten claim 7 as independent claim 20. Claim 20 should be allowable for at least that reason.

The Examiner rejected claims 1, 4-6, 9-10, 12-15 and 18-19 under 35 U.S.C. 102(b) as being anticipated by Tornier (U.S. Patent No. 5,358,526). However, as claims 1 and 12 are now amended, Tornier clearly does not meet the requirements of the claims. Tornier discloses a modular prosthesis having discrete cap positions based upon holes 34. This renders it limiting in its practical application. On the other hand, the present invention allows for an infinite number of eccentric positions, providing for virtually any patient anatomy. Thus, for at least this reason, Tornier does not anticipate claims 1 and 12 or any claims dependent therefrom.

Claim 21 is new and is similar in scope to original claim 1 with the caveat that first and second portions of the connecting member, whose respective spatial positions have been more specifically defined, also have specific parallel surfaces. On the other hand, Tornier's "connecting member" is an inclined wedge 2 with no parallel surfaces on its "corresponding" portions 25 and 22. Accordingly, for this reason, claim 21 distinguishes from Tornier and should also be allowable.

In light of the above, Applicant respectfully submits that all the claims are allowable and an early indication as such is requested.

If any additional fees are required to enter the present amendment, Applicant hereby authorizes the Office to charge our deposit account, Deposit Account No. 502795. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,

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